

# **APPENDIX Q -- CORRESPONDENCES REGARDING THE 2002 & 2003 MINIMUM FLOWS AND LEVELS PRIORITY LIST**

## **CONTENTS**

Letter from Henry Dean, Executive Director of the SFWMD, to David Struhs, Secretary of the Department of Environmental Protection submitting the 2002 Minimum Flows and Levels Priority List and Schedule (October 16, 2001).....	Q-2
Letter from David Struhs to Henry Dean outlining the FDEP's response to the District's 2002 Minimum Flows and Levels Priority List and Schedule (December 12, 2001).....	Q-4
Letter from Henry Dean to David Struhs addressing the comments provided by the FDEP on the District's Minimum Flows and Levels Priority List and Schedule (January 29, 2002).....	Q-6
Letter from Ken Ammon, Director of the Water Supply Department SFWMD, to Janet Llewellyn, Deputy Division Director of the Division of Water Resources FDEP, submitting the 2003 Minimum Flows and Levels Priority List and Schedule (October 31, 2002).....	Q-7

J. Vanplunder



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574  
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • [www.sfwmd.gov](http://www.sfwmd.gov)

RES 16

October 16, 2002

Mr. David Struhs  
Secretary, Department of Environmental Protection  
Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Dear Mr. Struhs:

DAVID

In response to Section 373.042(2), Florida Statutes, the South Florida Water Management District (District) is submitting the "2002 Minimum Flows and Levels Priority List" and schedule. The District's Governing Board approved the attached list and schedule on October 11, 2001.

We look forward to the Department's approval so that it may be published in the Florida Administrative Weekly by January 1, 2002.

Sincerely,

A handwritten signature in cursive script, appearing to read "Henry", written over a horizontal line.

Henry Dean  
Executive Director

TB/kl  
Attachments

GOVERNING BOARD

Trudi K. Williams, *Chair*  
Lennart E. Lindahl, *Vice-Chair*  
Pamela Brooks-Thomas

Michael Collins  
Hugh M. English  
Gerardo B. Fernández

Patrick J. Gleason, Ph.D., P.G.  
Nicolás J. Gutiérrez, Jr., Esq.  
Markley R. Thornton

EXECUTIVE OFFICE

Henry Dean, *Executive Director*

**2002 Minimum Flows and Levels Priority List:  
1996-2002 (updated 10/12/01)**

#	WMD	Waterbody	WB Type	County	1996 List	1997 List	1998 List	1999 List	2000 List	2001 List	Date Estab.	Peer Rev.	Reason for Schedule Change	Existence of or Potential for Significant Harm	Location (latitude & longitude)
12	SF	Lake Butler Chain	L	Orange						2008		Y		Projecting future increases in withdrawals	
13	SF	Alligator Lake	L	Osceola	2006	2006	2006	2006	2006	2006		Y		Projecting future increases in withdrawals.	
14	SF	Lake Tohopekaliga	L	Osceola	2006	2006	2006	2006	2006	2006		Y		Projecting future increases in withdrawals.	
15	SF	Lake Hatchineha	L	Osceola	2006	2006	2006	2006	2006	2006		Y		Projecting future increases in withdrawals.	
16	SF	Lake Tohopekaliga	L	Osceola	2006	2006	2006	2006	2006	2006		Y		Projecting future increases in withdrawals.	
17	SF	Cypress Lake	L	Polk	2006	2006	2006	2006	2006	2006		Y		Projecting future increases in withdrawals.	
18	SF	Fish Lake	L	Polk	2006	2006	2006	2006	2006	2006		Y		Projecting future increases in withdrawals.	
19	SF	Lake Jackson	L	Polk	2006	2006	2006	2006	2006	2006		Y		Projecting future increases in withdrawals.	
20	SF	Lake Marian	L	Polk	2006	2006	2006	2006	2006	2006		Y		Projecting future increases in withdrawals.	
21	SF	Lake Pierce	L	Polk	2006	2006	2006	2006	2006	2006		Y		Projecting future increases in withdrawals.	
22	SF	Lake Rosalie	L	Polk	2006	2006	2006	2006	2006	2006		Y		Projecting future increases in withdrawals.	
23	SF	Kissimmee	L	Polk, Osceola	2004	2004	2004	2004	2004	2006		Y	no immediate adverse WS impacts; consistency with other Kissimmee chain lakes	Projecting future increases in withdrawals.	
24	SF	Loxahatchee	R	Palm Beach, Martin	2000	2001	2001	2001	2001	2002		Y		Existing alterations to watershed have altered discharges to estuary. Existing and projected increases in withdrawals are also a factor.	
25	SF	Kissimmee	R	Polk, Highlands, Okeechobee, Glades	2004	2004	2004	2004	2004	2006		Y	no immediate adverse WS impacts; consistency with other Kissimmee chain lakes	Projecting future increases in withdrawals.	
26	SF	Caloosahatchee	R, E	Lee, Hendry	1999	2000	2000	2000	2001	complete	2001	Y		Alterations to the watershed have changed discharges to the estuary. Existing and projected increases in withdrawals are also a factor.	
	SF	Estero	R, E	Lee					2006			Y		Projecting future increases in withdrawals	
27	SF	St. Lucie	R, E	St. Lucie	2000	2001	2001	2001	2001		2001*	Y		Alterations to the watershed have changed discharges to the estuary. Existing and projected increases in withdrawals are also a factor.	
28	SF	Everglades National Park and WCAs	W	Palm Beach, Broward, Dade	1996	1999	1999	2000	2001	complete	2001	Y	Need to wait for completion of Lower East Coast Water Supply Plan which is scheduled for 4/00	Projecting future increases in withdrawals	

WB Type: A=Aquifer, FI=Floridan, E=Estuary, L=Lake, R=River, W=Wetland; 2001 List=anticipated MFL establishment date proposed in 2001; Peer Rev.=voluntary peer review of MFL; \* MFL in rule making; \*\* MFL rule challenged.



Jeb Bush  
Governor

# Department of Environmental Protection

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

David B. Struhs  
Secretary

December 12, 2001

Mr. Henry Dean, Executive Director  
South Florida Water Management District  
Post Office Box 24680  
West Palm Beach, Florida 33416-4680

RE: 2001 Minimum Flows and Levels Priority List and Schedule

Dear Mr. Dean:

Thank you for your October 16, 2001 letter providing SFWMD's 2001 minimum flows and levels (MFL) priority list and schedule. We commend the District on establishing MFLs this year for Lake Okeechobee, the Biscayne aquifer, Everglades National Park, the Lower West Coast aquifer system, and the Caloosahatchee River. This is a milestone for the District in the protection and restoration of South Florida's water resources. We are also pleased that the District added the Lower West Coast Water Table Aquifer, Estero Bay, and the Lake Butler Chain of Lakes for establishment in 2004, 2006 and 2008, respectively. Additionally, the postponement of the Loxahatchee River MFL in response to peer review concerns should result in a better MFL. Pursuant to Section 373.042(2), F.S., this letter constitutes approval of your 2001 MFL priority list and schedule. However, the Department asks you to consider the following comments as you establish MFLs and prepare next year's priority list.

As you know, the Floridan Aquifer resources in the Northern Kissimmee Basin are reaching their limits of development. It is important for SFWMD and SJRWMD to work together to protect and sustain the water resources and natural systems of Central Florida. The establishment of a MFL for the Floridan Aquifer by 2005 will be an important step in protecting these resources and will provide critical information as you update the regional water supply plan for the Northern Kissimmee Basin in 2005. During the development of MFLs, it is important that the District evaluates the impact of additional groundwater withdrawals on the area's sensitive surface waters and wetlands. Specifically, we hope the District will consider expediting the MFL establishment for the Lake Butler Chain of Lakes to 2005, so that this information can be used to update the water supply plan.

Establishment of a MFL for the Northwest Fork of the Loxahatchee River has been delayed one year so that additional technical work can be done. This MFL is especially important to the Department because of the impacts experienced by Jonathon Dickinson State Park. It is our understanding that concurrent with establishment of the MFL, the District will commit to a process and schedule to determine a feasible restoration goal for flows in the river. This goal will be the basis for future revisions to the MFL. We anticipate a recovery and prevention strategy will be needed for this system, both for the initial MFL and the subsequent revisions, and look forward to continued close cooperation with the District on ensuring appropriate flows in the Loxahatchee River.

*"More Protection, Less Process"*

*Printed on recycled paper.*

The Department's Bureau of Watershed Management has also reviewed the 2001 MFL priority lists (see attached memo). The Bureau is responsible for developing Total Maximum Daily Loads (TMDLs) for the state's impaired water bodies. Understanding the range and timing of available levels and flows in Florida's major lakes, rivers, and other water bodies is essential to development of Total Maximum Daily Loads (TMDLs).

As the goals of the MFL and TMDL programs are similar, we should try to coordinate their schedules, thereby using the state's resources more efficiently. It would help if the District established MFLs on a schedule slightly in advance of the need to develop TMDLs. The attached memo contains the Department's TMDL water body list and schedule for the next two years. Before preparing next year's MFL priority list, please have your staff contact Jan Mandrup-Poulsen at s.c. 291-9488 to discuss possible coordination of MFL and TMDL schedules.

The Department supports your continuing efforts toward establishing MFLs and requests that the District carefully considers these comments in the development of next year's priority list and schedule. To allow adequate time for review, we request that next year's list be submitted by October 15, 2002. If you have any questions, please contact Janet Llewellyn or Tom Swihart at (850) 488-0784.

Sincerely,



David B. Struhs  
Secretary

DBS/kk

Attachment

cc: Janet Llewellyn, DEP, DWRM  
Melissa Meeker, DEP, SED  
Herb Zebuth, DEP, SED  
Rick Cantrell, DEP, SFD  
Richard Orth, DEP, SFD  
Vivian Garfein, DEP, CFD  
Chris Ferraro, DEP, CFD  
Dana Bryan, DEP, DRP

Pam McVety, DEP, DRP  
Eric Livingston, DEP, BWM  
Jan Mandrup-Poulsen, DEP, BWM  
Terrie Bates, SFWMD  
Matthew Morrison, SFWMD  
Joel VanArman, SFWMD  
Chris Sweazy, SFWMD



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574  
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • [www.sfwmd.gov](http://www.sfwmd.gov)

**RES 10-12**

January 29, 2002

Secretary David B. Struhs  
Florida Department of Environmental Protection  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

Dear Secretary Struhs:

DAVID

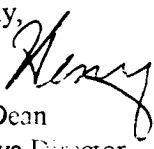
**Subject: 2001 Minimum Flows and Levels Priority List and Schedule**

The South Florida Water Management District (District) appreciates the time taken by you and your staff to review our Minimum Flows and Levels (MFLs) Priority List and provide thoughtful comments. The District will give full consideration to the Florida Department of Environmental Protection (FDEP) suggestions for modifying this list in the future to more effectively incorporate MFL criteria into Water Supply Plans. In addition, the District will work with the Department to identify impaired waters and develop coordinated schedules for TMDL and MFL development.

The District further agrees that we need to assist the FDEP and Jonathon Dickinson State Park staff in their efforts to develop successful restoration goals and objectives for the Loxahatchee River. The District will include a request to allow staff to assist FDEP with restoration of the Loxahatchee River, along with other District priority efforts, as items for discussion as part of the Governing Board's strategic planning retreat on February 22 of this year. Over the next several months, District staff will continue efforts to develop an MFL for the Northwest Fork of the Loxahatchee River and estuary, based on best available data, to protect this system against significant harm.

Thank you again for your thoughtful comments and advice concerning Minimum Flows and Levels within our District. We look forward to further discussions with you and your staff concerning the future of the Loxahatchee River system and other MFL priority areas.

Sincerely,

  
Henry Dean  
Executive Director

c: Dana Bryan, DEP, DRP  
Rick Cantrell, DEP, SFD  
Chris Ferraro, DEP, CFD  
Vivian Garfein, DEP, CFD  
Eric Livingston, DEP, BWM  
Janet Llewellyn, DEP, DWRM

Jan Mandrup-Poulsen, DEP, BWM  
Pam McVety, DEP, DRP  
Melissa Meeker, DEP, SED  
Richard Orth, DEP, SFD  
Herb Zebuth, DEP, SED

Q-6

### GOVERNING BOARD

Trudi K. Williams, *Chair*  
Lennart E. Lindahl, *Vice-Chair*  
Pamela Brooks-Thomas

Michael Collins  
Hugh M. English  
Gerardo B. Fernández

Patrick J. Gleason, Ph.D., P.G.  
Nicolas J. Gutiérrez, Jr., Esq.  
Harkley K. Thornton

### EXECUTIVE OFFICE

Henry Dean, *Executive Director*



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574  
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

ADM 06-02

October 31, 2002

Janet Llewellyn  
Deputy Director  
Florida Department of Environmental Protection  
2600 Blair Stone Road, MS 46  
Tallahassee, FL 32399-3000

**Subject: Minimum Flows and Levels (MFL) 2003 Priority List and Schedule**

Dear Ms. Llewellyn,

The Water Resources Act (s. 373.042 F.S.) requires that the Water Management District's provide an updated MFL priority list to the Department of Environmental Protection for review and approval by October 15 of each year. Final publication of the list in the FAW is required by January 1. Certain water resources may be excluded from the list, but in general:

"The priority list shall be based upon the importance of the waters to the state or region and the existence of, or potential for, significant harm to the water resources or ecology of the state or region and shall include those waters which are experiencing or may reasonably be expected to experience adverse impacts."  
(Section 373.042(2), F.S.)

Attached to this memo is a copy of the currently proposed 2003 Priority List. This list was generated from previous year lists and recommendations in the Regional Water Supply Plans.

Changes for this year's list include the following:

- **Florida Bay (modified from 2003 to 2005):** Establishment of the Florida Bay MFL was rescheduled from 2003 to 2005 due the need to coordinate this effort with the Florida Bay Feasibility Study that is scheduled to be completed in 2005. Experience with development of MFLs has shown that development of the MFL technical criteria and supporting rule is more efficient if restoration goals for the system have been clearly defined. The Florida Bay Feasibility Study will define restoration conditions from which the MFL will be developed to protect from significant harm.
- **Primary Tributaries to the Northwest Fork of the Loxahatchee River (new priority) to be completed by 2007.** The recent effort to develop MFLs for the Northwest Fork of the Loxahatchee River indicated the need to better define, and establish MFL criteria for other tributary inflows to this river that had very little

---

#### GOVERNING BOARD

Trudi K. Williams, P.E., *Chair*  
Lennart E. Lindahl, P.E., *Vice-Chair*  
Pamela Brooks-Thomas

Michael Collins  
Hugh M. English  
Gerardo B. Fernández

Patrick J. Gleason, Ph.D., P.G.  
Nicolás J. Gutiérrez, Jr., Esq.  
Harkley R. Thornton

---

#### EXECUTIVE OFFICE

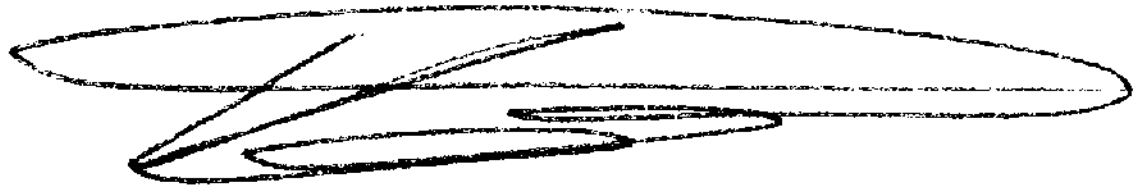
Henry Dean, *Executive Director*

available flow data. The primary tributaries are Cypress Creek, Hobe Grove and Kitching Creek. The date of 2007 is proposed, in order to provide sufficient time for FDEP and SFWMD, in cooperation with other agencies and local interests, to develop a restoration plan for the river. In addition, the SFWMD and USACE will be able to complete the Project Implementation Report for the northern Palm Beach County Comprehensive Everglades Restoration Plan (CERP) components. By 2007, the District will also have sufficient time to collect and analyze flow data from these tributaries, from gauges that are being installed this year. The proposed date will thus allow sufficient time to determine restoration needs for this system; identify structural, operational and regulatory actions that need to be implemented; and to collect and analyze four years of data on tributary flows that will provide a sound basis for establishment of the MFL.

The remaining water bodies and schedules remain the same as were provided on last year's list.

If you have any questions regarding the contents of this transmittal or the attached list, please feel free to contact me at (561) 682-6502.

Sincerely,



Kenneth G. Ammon, P.E.  
Director  
Water Supply Department

KGA/nk

Attachment

Cc: Henry Dean, 1110  
Pat Gleason, GB Member  
Len Lindahl, GB Member  
Karl Kurka, FDEP  
Chip Merriam, 4110  
Michelle Percy, 4350



**South Florida Water Management District  
2002 Minimum Flows and Levels Priority List  
and Schedule for Establishment  
10/31/02**

<b>Region</b>	<b>Priority Water Bodies</b>	<b>Year Established</b>
Lower East Coast	Surface Water:	
	Biscayne Bay	2004
	<b>Florida Bay</b>	<b>2005</b>
	<b>Loxahatchee River Tributaries</b>	<b>2007</b>
	Ground Waters:	
	Southern Coastal Biscayne Aquifer	2004
Lower West Coast	Surface Waters:	
	Estero Bay	2006
	Ground Waters:	
	Water Table Aquifer	2004
Kissimmee Basin	Surface Waters:	
	Kissimmee River	2006
	Lake Kissimmee	2006
	Lake Tohopekaliga	2006
	East Lake Tohopekaliga	2006
	Alligator Lake	2006
	Lake Jackson	2006
	Lake Rosalie	2006
	Cypress Lake	2006
	Lake Hatchineha	2006
	Lake Pierce	2006
	Lake Marian	2006
	Fish Lak	2006
	Lake Istokpoga	2004
	Lake Butler Chain of Lakes	2008
	Ground Water:	
	Floridan Aquifer	2004

This list is published pursuant to Section 373.042(2), Florida Statutes.

"Establishment" of a minimum flow or level, as provided in this list, is the publication of the notice of intended rule adoption in the Florida Administrative Weekly pursuant to Section 120.54(3)(a), Florida Statutes.

SFWMD will voluntarily conduct independent scientific peer review of minimum flows and levels criteria for all water bodies on the above list, pursuant to Section 373.042(4), Florida Statutes.

**Bold** = change in schedule from previous list

Note: Those water bodies that are scheduled to be completed by the end of 2002 have been removed from the list, including the St. Lucie and Loxahatchee Rivers.

Bc: Albert Basulto, 4910  
Vicki Lehr, 4910  
John Mulliken, 4310  
Cecile Ross, 1410  
Dave Swift, 4350  
John Zahina, 4350  
Joel VanArman, 4350